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4 STRIKE 3 HOLDINGS, LLC,
5 Plaintiff,
6 v.
7 JOHN DOE SUBSCRIBER ASSIGNED IP
8 ADDRESS 135.180.172.15,
9 Defendant.

10 Case No. 22-cv-01319-JCS
11

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13 **ORDER GRANTING EX PARTE
14 APPLICATION**
15 Re: Dkt. No. 8
16

17 Plaintiff Strike 3 Holdings, LLC moves ex parte for leave to serve a third party subpoena
18 prior to a Rule 26(f) conference. The Court being duly advised does hereby FIND, ORDER
19 AND ADJUDGE:

20 1. Plaintiff has established that “good cause” exists for it to serve a third party
21 subpoena on Sonic.net, LLC (“Sonic.net”). *See UMG Recording, Inc. v. Doe*, 2008 WL 4104214,
22 *4 (N.D. Cal. 2008); and *Arista Records LLC v. Does 1-19*, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008).

23 2. Plaintiff may serve Sonic.net with a Rule 45 subpoena commanding Sonic.net to
24 provide Plaintiff with the true name and address of the Defendant to whom Sonic.net assigned the
IP address 135.180.172.15. Plaintiff shall attach to any such subpoena a copy of this Order.

25 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any
26 service provider that is identified in response to a subpoena as a provider of Internet services to
27 Defendant (together with Sonic.net, the “ISPs”).

28 4. IT IS FURTHER ORDERED that subpoenas authorized by this order and issued
pursuant thereto shall be deemed appropriate court orders under 47 U.S.C. § 551. In particular, 47
U.S.C. § 551(c)(2)(B) provides as follows:

(c) Disclosure of personally identifiable information

1 [. . .]

2 (2) A cable operator may disclose such information if the disclosure is—
3 [. . .]

4 (B) subject to subsection (h) [relating to disclosures to governmental
5 agencies] of this action, made pursuant to a court order authorizing such
6 disclosure, if the subscriber is notified of such order by the person to whom
7 the order is directed

8 This order is an order authorizing such disclosure.

9 5. **IT IS FURTHER ORDERED** that each ISP will have 30 days from the date of
10 service upon it to serve each of its subscriber(s) whose identity information is sought with a copy
11 of the subpoena and a copy of this order. The ISPs may serve the subscribers using any
reasonable means, including written notice sent to the subscriber's last known address, transmitted
either by first-class mail or via overnight service.

12 6. **IT IS FURTHER ORDERED** that each subscriber and each ISP shall have 30
13 days from the date of service upon him, her or it to file any motions in this court contesting the
14 subpoena (including a motion to quash or modify the subpoena). If the 30-day period after service
15 on the subscriber lapses without the subscriber or the ISP contesting the subpoena, the ISP shall
16 have 10 days to produce to Plaintiff the information responsive to the subpoena with respect to
17 that subscriber.

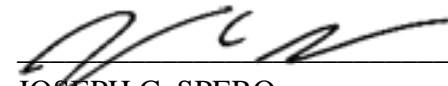
18 7. **IT IS FURTHER ORDERED** that any ISP that receives a subpoena shall preserve
19 all subpoenaed information pending the ISP's delivering such information to Plaintiff or the final
20 resolution of a timely filed motion to quash the subpoena with respect to such information.

21 8. **IT IS FURTHER ORDERED** that any information disclosed to Plaintiff in
22 response to a subpoena may be used by Plaintiff solely for the purpose of protecting its rights
23 under the Copyright Act, 17 U.S.C. § 101 et seq.

1 **9. IT IS FURTHER ORDERED** that any name or other personal identifying
2 information of any current or proposed defendant shall be filed UNDER SEAL in all filings and
3 not otherwise disclosed.

4 **IT IS SO ORDERED.**

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6 Dated: March 27, 2022

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8 
JOSEPH C. SPERO
Chief Magistrate Judge

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11 United States District Court
12 Northern District of California
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